

**CITY OF MANCHESTER**  
**BOARD OF ADJUSTMENT MINUTES**  
**December 11, 2014**

**ATTENDANCE**

Chairman Kent Goddard – Present  
Vice-Chairman Fred Mayer – Present  
Alternate Member J.R. Brown - Present

Member Dan Miller – Present  
Member Alan Nissenbaum – Present

**CITY OFFICIALS**

City Attorney Patrick Gunn  
P&Z Director Kathy Arnett  
P&Z Assistant Melissa Barklage

**COURT REPORTER**

Ms. Lauren Goodman

**ATTENDEES**

Daniel & Robin DeClue  
Robert Oehler

Case #14-V-010  
Case #14-V-011

**CALL to ORDER**

Chairman Goddard called the meeting to order at 6:30 p.m. and asked the Planning and Zoning Director to call the roll. The record of attendance is shown above.

**APPROVAL OF MINUTES**

A motion to approve the August 14, 2014 minutes as submitted was made by Member Miller and seconded by Member Nissenbaum. Minutes approved.

**NEW BUSINESS**

- A. CASE #14-V-010** – A variance application is submitted by Daniel P. and Robin M. DeClue to encroach into the side yard setback by two (2) feet and to encroach into the rear yard setback by nineteen (19) feet to retain a single family residence and rebuild an existing deck at 604 Vitry Drive. The property is zoned R-1 Single Family Residential.

Director Arnett gave the details of the variance case. A permit was submitted by the DeClues to replace their existing deck. Their home sits on a corner lot with two front yards. Manchester City Code requires that where two front yards exist there must be one rear yard and one side yard. The survey that came with the permit application showed that the existing deck extends into what would be the rear yard setback by nineteen (19) feet and that also the corner of the home extends into the side yard setback by two (2) feet. There are two variances that are being requested by the petitioner. One variance request is to accommodate the rebuilding of the existing deck and vary the rear yard setback from thirty-five (35) feet to sixteen (16) feet. The other variance request is to vary the side yard setback from ten (10) feet to eight (8) feet to bring the primary structure of the home and adjoining garage into compliance with City code.

Mr. DeClue testified that he agreed with the statements made by Director Arnett. Mr. & Mrs. DeClue had nothing further to add to the case.

Director Arnett verified the adjacent property owners were notified about the variance request. She noted that several calls were received regarding this request to ask questions, but none voiced either opposition or favor to the proposal.

With all the questions satisfactorily answered, Vice-Chairman Mayer made the motion to approve the variance of rear yard setback from 35 feet to 16 feet and side yard setback from 10 to 8 feet. Seconded by Vice-Chairman Mayer. The resulting vote was 5-0 in favor of granting the variance.

**B. CASE #14-V-011** - A variance application is submitted by Randy Nations of Cardinal Home Improvements, on behalf of Robert Oehler, to encroach into the rear yard setback by eight (8) feet for the purpose of rebuilding an existing deck at 802 Weatherwood Drive. The property is zoned R-2A Single Family Residential.

Director Arnett presented the facts of the case by stating that Mr. Robert Oehler has plans to replace the decking and add stairs to an existing deck on his property. The proposed revisions to the existing deck structure would cause the structure to extend eight (8) feet into the rear yard setback. The application wishes to vary the rear yard setback from fifteen (15) feet to seven (7) feet.

Mr. Robert Oehler testified that they moved into the home in November of 2010 and that the deck was already in existence at that time. The deck is currently rotting and in need of replacement and repairs. If approval is granted for the variance, he wishes to add additional joists to the deck and also include steps that will provide access to the back yard. Mr. Oehler agreed with the statements made by Director Arnett and had nothing further to add.

Director Arnett verified the adjacent property owners were notified about the variance request. She noted that one (1) call was received regarding this request from a resident on Weatherwood. The caller stated he was in favor of the request.

Upon a motion by Vice-Chairman Mayer and a second by Member Nissenbaum, the Board of Adjustment voted 5-0 to allow Mr. Oehler to reduce the rear yard setback of 15 feet to 7 feet for the purpose of rebuilding a deck.

### **ADJOURNMENT**

The meeting adjourned with a motion by Member Miller and seconded by Member Nissenbaum at 6:55 p.m.